

## Breastfeeding Policy

Policy Number	03-0101	First Issued	October 2007
Issuing Authority	Department of Administration	Effective Date	
	State Human Resources Division	Last Revised	

### Policy Purpose:

This policy establishes the minimum requirements for implementing~~State agencies shall support~~ and maintaining~~a~~encourage women who wish to breastfeed, accommodate~~women's~~ breastfeeding program that complies with federal-related needs, and ensure adequate facilities for the expression of milk.

A state regulations. agency may adopt supplemental procedures that are consistent with this policy.

### Scope:

This policy covers all positions in Montana's executive branch except those employed by the Montana university system, the Montana State Fund, the personal staff of elected officials, and any other position specifically excluded under sections 2-18-103 and -104, MCA.

Any collective bargaining agreement that provides greater breastfeeding rights supersedes this policy.

### Procedures:

State agencies must ~~make reasonable efforts to~~ provide suitable space, privacy, and time for nursing mothers to breastfeed or express milk.

State agencies shall support and encourage women who wish to breastfeed by accommodating a woman's breastfeeding-related needs and ensuring adequate facilities for the expression of milk. Agency managers must provide time each time instance the employee has a need to breastfeed or express milk. Reasonable time to breastfeed or express milk must be permitted for a minimum of one year after the child's birth or longer if needed.

State agencies may adopt supplemental procedures consistent with this policy.

#### A. Provide Space

State agencies must provide adequate space. The space must:

1. be in reasonably close proximity to the work area;
2. be other than a ~~bathroom~~toilet stall;
3. be clean;
4. provide privacy from both co-workers and the public; and,
5. include necessary lighting, seating, and electrical outlets for the pump apparatus.

## B. Storage

State agencies are encouraged to provide storage facilities for breast milk upon the request of an employee.

## C. Breastfeeding Times

~~Agency management must act in good faith to accommodate necessary break times. Management is not required to provide break time if doing so would unreasonably disrupt the agency's operations.~~

If an agency provides break time, employees should, if possible, use this time to breastfeed or express milk. If break time is not provided, agency management~~state agencies~~ must provide employees ~~unpaid break~~ time to breastfeed or express milk. Agency management and, in accordance with the employee will attempt to establish a mutually agreeable breastfeeding or expressing milk schedule. However, agency management must provide time as needed.~~following guidelines:~~

**Employees in non-exempt positions:** Breastfeeding Time exceeding the agency's standard break duration length and frequency is unpaid. The employee may use annual leave or non-exempt compensatory time for this purpose in accordance with the Annual Vacation Leave policy (MOM, 3-0305) or the Overtime and Nonexempt Compensatory Time policy (MOM, 3-0210).

**Employees in exempt positions:** Agency managers may not reduce the employee's wages for time taken~~1. The agency and employee will attempt to establish a mutually agreeable breastfeeding or expressing milk schedule.~~  
~~2. The agency may reasonably adjust the number of breaks and length of break time used~~ to breastfeed or express milk.

## D. Transporting Nursing Children in State Vehicle

Women ~~, while conducting state business,~~ may transport nursing children in a state vehicle while conducting state business, as provided in ARM 2.6.204(1)(b)(v).

## Resources:

The Department of Administration's Health Care and Benefits Division provides information and resources on their web site. This information can be found on site at <http://benefits.mt.gov/Breastfeeding.asp>

## Definitions:

~~This policy includes a~~All definitions under 2-18-101, MCA apply to this policy.